

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP NO. 147 of 2006

Date of decision: 13.12.2006

Lal Singh		Petitioner
	Versus	
State of H P & others		 Respondents

Coram:

The Hon'ble Mr.Justice Deepak Gupta,J.

The Hon'ble Mr Justice S S Thakur,J.

Whether approved for reporting ?¹

For the Petitioner : Ms. Archana Dutt, Advocate,

**For the Respondents 1 to 3 : Mr M S Chandel, Advocate
General, with Mr J K Verma, Deputy
Advocate General.**

Deepak Gupta, J (Oral)

This petition is directed against the orders of the Himachal Pradesh Administrative Tribunal passed in Original Application No.194 of 2002 dated 7th November, 2005.

Admitted facts are that the petitioner had not attained the age of 18 years, on the date when he appeared for the interview for the post of part time water carrier in the Government Primary School Chhaman in Gram Panchayat Danogi, Tehsil and

¹ *Whether the reporters of Local Papers may be allowed to see the judgment ?*

District Kullu(HP). The petitioner was, however, interviewed and appointed as part time Water carrier. His appointment, as part time water carrier, was challenged before the learned Tribunal by respondent No.4 herein. The State, in its reply before the learned Tribunal, had clearly admitted that the petitioner Lal Singh was not eligible for appointment since he had not attained the age of 18 years on the date of interview. The Tribunal set aside the appointment of the petitioner and hence the present writ petition.

Ms. Dutt, learned counsel for the petitioner contends that though the petitioner had not attained the age of 18 years, on the date of interview but by the time he was appointed as part time water carrier he had become 18 years old and, therefore, his appointment could not have been cancelled. In our view, the eligibility criteria has to be seen on the date when the interviews were conducted. The Tribunal was absolutely right in holding that the petitioner was not eligible to be appointed as water carrier and, therefore, his appointment has rightly been quashed and set aside. The writ petition is accordingly dismissed.

However, we may clarify that if in

pursuance to the orders of the Tribunal, fresh interviews are held, the petitioner shall also be entitled to apply for the said post and his application shall be considered in accordance with law.

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In view of the order passed in the main petition, this application does not survive and the same stands disposed of. Interim order dated 10th February, 2006 is vacated.

(Deepak Gupta), J.

December 13, 2006
(D)

(S S Thakur), J.